

SECOND
AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

No. 75262

Date of filing in State Engineer's Office JAN 18 2007

Returned to applicant for correction JAN 30 2007

Corrected application filed FEB 20 2007

Map filed FEB 20 2007 under 71382

The applicant **MERRIMAC INVESTORS, LLC**, hereby makes application for permission to change the **Manner and Place of Use of a portion** of water heretofore appropriated under **Claim DTR No. 3 of the Truckee River Decree**, said Decree entered by The District Court of the United States for Nevada in that certain action entitled, "The United States of America, Plaintiff, vs. Orr Water Ditch Company, et.al., Defendants", in Equity No. A-3, Claim No. 3 Federal District Court.

1. The source of water is **Truckee River**
2. The amount of water to be changed **42.345 Acre-Feet Annually – With a Pro-Rata Share of Diversion Rate**
3. The water to be used for **Municipal & Domestic**
4. The water heretofore permitted for **As Decreed**
5. The water is to be diverted at the following point **Same as Existing Point of Diversion**
6. The existing permitted point of diversion is located within **the N½ SW¼ of Section 19, T20N, R23E, M.D.M. (Truckee River at Derby Dam).**
7. Proposed place of use **Refer to Attachment A for proposed place of use. Refer to supporting map filed with the Division of Water Resources under Application No. 71382.**
8. Existing place of use **0.81 acres within a portion of the NE¼ NE¼, Section 13, T20N, R24E, M.D.M. and 8.60 acres within a portion of the NW¼ NW¼, Section 18, T20N, R25E, M.D.M., Lyon County APN Nos. 2127105L, 2127106L & 2127107L. TCID Serial Nos. 1049-1B, 1049-1-C & 1049-1-D (total of 9.41 acres with a duty of 4.50 AFA). Refer to supporting map filed with this application.**
9. Use will be from **January 1st to December 31st** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works **Derby Dam, canal, surface water treatment facility and placed into distribution system.**
12. Estimated cost of works **Unknown**
13. Estimated time required to construct works **Five (5) Years**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) Years**

75262

15. Remarks:

By **s/ Suzan L. Ferguson**
Suzan L. Ferguson - Agent
5405 Mae Anne Avenue
Reno, Nevada 89523

Compared **sc/gkl**_____

Protested_____

Proposed Place of Use of Change Application

T. 20 N., R. 24 E., MDB. & M.

Portions of Sections 9 and 10, Sections 11, 12, 13, 14 and 15; Portion of Sections 16, 17 and 20, Section 21, 22, 23, 24, 25, 26, 27 and 28; Portions of Sections 29, 30, 31, Sections 32, 33, 34, 35 and 36.

T. 20 N., R. 25 E., MDB. & M.

Sections 1, 2 and 3; Portions of Sections 4 and 5, Sections 7 through 36

T. 20 N., R. 26 E., MDB. & M.

Portion of Section 3, Sections 6 and 7; Portion of Sections 8 and 17, Sections 18 and 19; Portion of Sections 20 and 29, Sections 30 and 31; Portions of Section 32.

T. 21 N., R. 25 E., MDB. & M.

Portion of Sections 13, 23 and 24, Section 25; Portion of Sections 26, 27, 28 and 33, Sections 34, 35 and 36.

T. 21 N., R. 26 E., MDB. & M.

Portions of Sections 5, 7 and 8, Section 17; Portion of Section 18, Sections 19, 20, 29, 30, 31 and 32.

T. 22 N., R. 26 E., MDB. & M.

Portions of Sections 28, 32 and 33.

T. 19 N., R. 25 E., MDB. & M.

All of Sections 1 through 36

T. 19 N., R. 24 E., MDB. & M.

Sections 1, 2, 3, 4 and 5; Portion of Section 6, Sections 7 through 36.

T. 19 N., R. 23 E., MDB. & M.

Portions of Sections 1, 12, 13, 14 and 23, Sections 24 and 25; Portion of Sections 26, 27 and 34, Sections 35 and 36.